

**UNITED STATES DEPARTMENT OF COMMERCE****Patent and Trademark Office**

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
08/552,366	11/02/95	HARTIG	K

D3M1/0711

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EXAMINER  
ZIMMERMAN

ART. UNIT	PAPER NUMBER

07/11/97  
DATE MAILED:

**Please find below and/or attached an Office communication concerning this application or proceeding.**

**Commissioner of Patents and Trademarks**

## Office Action Summary

Application No. <b>08/552,366</b>	Applicant(s) <b>Hartig et al.</b>
Examiner <b>John J. Zimmerman</b>	Group Art Unit <b>1316</b>



Responsive to communication(s) filed on Apr 4, 1997

This action is **FINAL**.

Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire three month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

### Disposition of Claims

Claim(s) 1-34 is/are pending in the application.  
Of the above, claim(s) 32-34 is/are withdrawn from consideration.

Claim(s) 1, 2, 4-7, 9, 11, 12, 14, 15, 17, and 19-31 is/are allowed.

Claim(s) 8 and 18 is/are rejected.

Claim(s) 3, 10, 13, and 16 is/are objected to.

Claims \_\_\_\_\_ are subject to restriction or election requirement.

### Application Papers

See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.

The drawing(s) filed on \_\_\_\_\_ is/are objected to by the Examiner.

The proposed drawing correction, filed on \_\_\_\_\_ is  approved  disapproved.

The specification is objected to by the Examiner.

The oath or declaration is objected to by the Examiner.

### Priority under 35 U.S.C. § 119

Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

All  Some\*  None of the CERTIFIED copies of the priority documents have been received.

received in Application No. (Series Code/Serial Number) \_\_\_\_\_.

received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\*Certified copies not received: \_\_\_\_\_

Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

### Attachment(s)

Notice of References Cited, PTO-892

Information Disclosure Statement(s), PTO-1449, Paper No(s). 1

Interview Summary, PTO-413

Notice of Draftsperson's Patent Drawing Review, PTO-948

Notice of Informal Patent Application, PTO-152

--- SEE OFFICE ACTION ON THE FOLLOWING PAGES ---

## OFFICE ACTION

### *Election/Restriction*

1. Applicant's election with traverse of Group I, claims 1-31, in Paper No. 4, received April 4, 1997, is acknowledged. The traversal is on the ground(s) that restriction requirements are not mandatory and that since the article and method claims are obviously intimately connected all the claims should be examined at one time. This is not found persuasive because the criteria for restriction were clearly met in Paper No. 3 and the extra search required by the inclusion of the Group II claims would be extensive and an undue burden on the examiner. In addition, the issues associated with the Group II claims would likely diverge from those issues associated with the Group I claims and therefore also likely create an undue burden in simultaneous prosecution of the two groupings. The requirement is still deemed proper and is therefore made FINAL.

### *Information Disclosure Statement*

2. The Information Disclosure Statement Pursuant to 37 C.F.R. 1.197 and 1.56, received November 2, 1995, has been considered. An initialed form PTO-1449 accompanies this Office Action.

3. The Confidential Material Not Open to the Public, filed November 2, 1995, has been reviewed by the examiner. Both documents cited by applicants are **not** deemed important to a

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reasonable examiner in deciding whether to allow this application to issue as a patent. These documents do not contain any further explanations important to understanding the use and effects of various claimed materials and combinations relevant to the claimed subject matter, wherein stainless steel in specific amounts is contained in  $\text{Si}_3\text{N}_4$  layers, that would not be present in the redacted forms of these documents submitted simultaneously with the unredacted forms. As instructed in MPEP 724.04(a), paragraphs (3)-(5), these unredacted forms of these documents will be resealed and may be expunged from this application file upon the submission of a petition to do so.

### *Drawings*

4. Since allowable subject matter has been indicated, applicant is encouraged to submit formal drawings in response to this Office action. The early submission of formal drawings will permit the Office to review the drawings for acceptability and to resolve any informalities remaining therein before the application is passed to issue. This will avoid possible delays in the issue process.

### *Claim Objections*

5. Claims 3, 10, 13 and 16 are objected to under 37 CFR 1.75(c), as being of improper dependent form for failing to further limit the subject matter of a previous claim. Applicants are

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required to cancel the claim(s), or amend the claim(s) to place the claim(s) in proper dependent form, or rewrite the claim(s) in independent form.

6. Claims 3, 10 and 16 are objected to since all glass articles are "heat treatable" and therefore no further limitation exists in these claims. Claim 13 is objected to since a layer system reciting the compositions of the independent claim would be "chemically and mechanically durable" to some extent and therefore no further limitation exists in this claim. "Chemically and mechanically durable" without parameters does not add any further limitation to claim 1.

***Claim Rejections - 35 U.S.C. § 112***

7. Claims 8 and 18 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

8. It is indefinite as to how nickel or nichrome layers (b) and (d) can be "comprised of chromium nitride". Nickel and nichrome are metals and while they may "further comprise chromium nitride" (e.g. contain chromium nitride) they may not be "chromium nitride". While it is understood that "comprising" allows for *additional* constituents, those additional constituents may not change the original recitation (of nickel or nichrome) present in the independent claim.

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Likewise, the same situation applies to the recitation that "said stainless steel is comprised of chromium nitride".

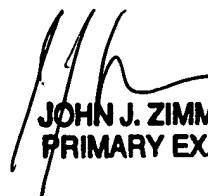
*Allowable Subject Matter*

9. Claims 1-2, 4-7, 9, 11-12, 14-15, 17, 19-31 are allowed. Although the use of  $\text{Si}_3\text{N}_4$  layers are found in the prior art glass substrates, the prior art of record does not disclose or make obvious the use of 0.5-15% stainless steel in these layers with the properties of the composite as recited in the independent claim 1.

10. Claims 8 and 18 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112 set forth in this Office action and to include all of the limitations of the base claim and any intervening claims. Claims 3, 10, 13 and 16 would be allowable if their subject matter is amended to further limit the claims upon which they depend.

11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to John Zimmerman whose telephone number is (703) 308-2512 and whose fax number is (703) 305-5436.

jjz  
July 3, 1997



JOHN J. ZIMMERMAN  
PRIMARY EXAMINER